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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CITIZEN WATCH CO., LTD.

d/b/a CITIZEN TOKEI KABUSHIKI KAISHA

Opposer,

v.

MICROSOFT CORPORATION,

Applicant.

Opposition No.

Attorney's Reference: 31389-131339

07-23-2003
U.S. Patent & TMO/TM Mail Rpt Dt. #22

NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark CITIZEN ZERO of Microsoft Corporation as shown in Application Serial No. 78/156,024 filed August 20, 2002 and published for opposition in the *Official Gazette* of March 25, 2003.

Citizen Watch Co., Ltd. believes that it will be damaged by registration of the mark shown in said Application Serial No. 78/156,024 and hereby opposes the same.

As grounds for opposition it is alleged that:

1. Opposer is now, and for many years has been, engaged in the business of manufacturing and selling watches, printers, calculators, consumer electronics products, computer software and related goods in the United States.
2. Opposer is the owner of U.S. Trademark Registration No. 1,737,514 issued December 1, 1992 for the mark CITIZEN as used to identify "electronic diary which can be used like a pocket notebook comprising calculator functions,

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10. Opposer is the owner of Registration No. 709,938 issued January 17, 1961 for the mark CITIZEN as used to identify watches.
11. Opposer has used the mark CITIZEN in the United States since at least as early as 1960, and in any event, since prior to any date of first use that Applicant may rely upon for its mark in the United States.
12. Applicant is not currently using the trademark CITIZEN ZERO on computer programs, namely, game software for use on computers and video game players; computer game cartridges; computer game cassettes; computer game tapes; video game cartridges; and video game cassettes
13. Opposer has used the designation CITIZEN as a trademark since prior to any use of the mark CITIZEN ZERO that may be alleged or relied upon by Applicant.
14. The products offered or intended to be offered by the applicant under the mark CITIZEN ZERO are related to the products offered by the Opposer under the mark CITIZEN.
15. The trademark CITIZEN ZERO sought to be registered by the Applicant is comprised in part of the whole of Opposer's trademark CITIZEN.
16. Consumers are likely to be confused and to mistakenly believe that Applicant's CITIZEN ZERO goods are products of Opposer, or are licensed by, sponsored by, or associated with Opposer, or that Opposer's CITIZEN products are licensed by, sponsored by, or associated with Applicant.
17. If the Applicant were permitted to use and register its mark for its goods as specified in its application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the related nature of the goods

covered by those marks, and the fact that Applicant's trademark encompasses the whole of the Opposer's trademark. Any defect, objection or fault found with Applicant's goods would reflect upon and seriously injure the reputation which Opposer has established under its trademark.

18. Opposer's CITIZEN trademark is a famous, well-known trademark. The Applicant's use and registration of the mark CITIZEN ZERO will dilute the value of the Applicant's mark.

WHEREFORE, Opposer prays that said Application Serial No. 78/156,024 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of the Opposer.

This Notice of Opposition is submitted in duplicate. Authorization is granted to charge Deposit Account No. 22-0261 for the \$300.00 filing fee.

Opposer appoints Mark B. Harrison, Marcia A. Auburger, Andrew Price, Jacqueline Levasseur Patt and Janet Satterthwaite along with the law firm of Venable, Baetjer, Howard & Civiletti, LLP to transact all business on its behalf in connection with this Opposition.

Respectfully submitted,

July 23, 2003

By: 

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